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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,251	10/31/2003	Donald J. Booty	1730-3	2515

7590  
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11/29/2005

EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/699,251

Applicant(s)

BOOTY, DONALD J.

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-22,24,25 and 28 is/are rejected.
- 7) ☒ Claim(s) 12,23,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the amendment filed 09/01/2005.
2. Claims 1 and 3-29 are pending, and claim 2 has been cancelled.

### *Response to Arguments*

3. Applicant's arguments with respect to claim 1 and 3-29 have been considered but are moot in view of the new ground(s) of rejection.
4. The indicated allowability of claims 2, 9 and 10 is withdrawn in view of the reference(s) to Hoi (US 4,321,657). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 7-8, 13, 15, 18-19, 24, and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Hoi (US 4,321,657).
7. Re claims 1, 13, 24, and 28: Hoi discloses the claimed dual-beam lantern-flashlight capable of emitting two light beams, comprising an elongated flashlight body (1) comprising a front end and a rear end (See Fig. 1); a headlamp (12) mounted on said front end of said body (1) and disposed to emit a beam of light in a forward direction from said front end (see Fig. 1); a

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lantern body (3) coupled to said flashlight body (1), said lantern body having a bottom end (Fig. 3); and a lantern lamp (5) mounted in said bottom end of said lantern body and disposed to emit a beam of light generally downwardly and normally relative to the beam of light emitted by said headlamp (the lantern lamp in Fig. 1 emit light downwardly), wherein said headlamp and lantern lamp when in use together create a single large area of continuous light around the feet and forward of the user, said beams of light emitted by said headlamp and lantern lamp defining an area of overlap by which said beams blended generally seamlessly together, wherein the lamp body is slidably coupled to the lantern body (col. 2, lines 43-45).

8. Re claims 4, 7-8, 15, and 18-19, : Hoi discloses a cold cathode fluorescent lamp (5), a reflector and lens (9).

### *Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-10 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoi.

11. Re claims 9-10 and 20-21: Hoi teaches the fluorescent light assembly is connected to the battery in the body. Although Hoi does not disclose a battery compartment and a removable cover, it would have been obvious to one having ordinary skill in the art at the time of the

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invention to provide such a compartment and a removable cover for Hoi's battery in order to access to the battery.

12. Claims 3, 5-6, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoi as applied to claim 1 above, and further in view of Lebens et al. (US 2003/0095406 A1).

13. Re claims 3, 5-6, 14, and 16-17: Hoi does not disclose the headlamp comprises at least four LED lamps in a cluster pattern. Lebens teaches a flashlight having at least four LEDs (150 in Fig. 1) arranged in a cluster pattern. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Lebens' headlamp having a plurality of LEDs with Hoi's headlamp because LED provides many advantages such as long life, low battery consumption and various color lights when they are used in a flashlight.

14. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoi as applied to claim 13 above, and further in view of Tucholski (US 6,184,794 B1).

Re claim 25: Hoi does not disclose the ridges on the flashlight body for gripping. However, ridges on a flashlight body are conventional, and Tucholski show the ridges (12, 112). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Tucholski's ridges on the flashlight body of Hoi in order to provide frictional surface on the body of the flashlight.

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15. Claims 11 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hoi as applied to claim 1 above, and further in view of Yuen (US 5,859,582). Hoi is silent with regard to a power switch controlling the headlamp and the lantern. Yuen teaches a power switch controlling the headlamp and the lantern individually or simultaneously (11 and col. 2, lines 61-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Yuen's switch with Hoi's switch in order to emit light from both the headlamp and the lantern at the same time

*Allowable Subject Matter*

16. Claim 29 is allowed.

17. Claims 12, 23, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. following is a statement of reasons for the indication of allowable subject matter: With regard to claims 12, 23 and 29, the prior art of record fails to disclose a dual-beam lantern-flashlight, configured as claimed, wherein said lantern body has a pair of spaced apart, upstanding arms having downwardly extending channels formed therein and wherein said flashlight body has a pair of spaced apart, downwardly extending flanges slidably received in said channels to allow movement of said flashlight body between a raised and lowered position relative to said lantern body. Claims 26 and 26 depend from claim 23.

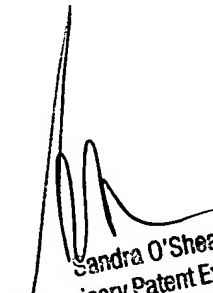
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



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